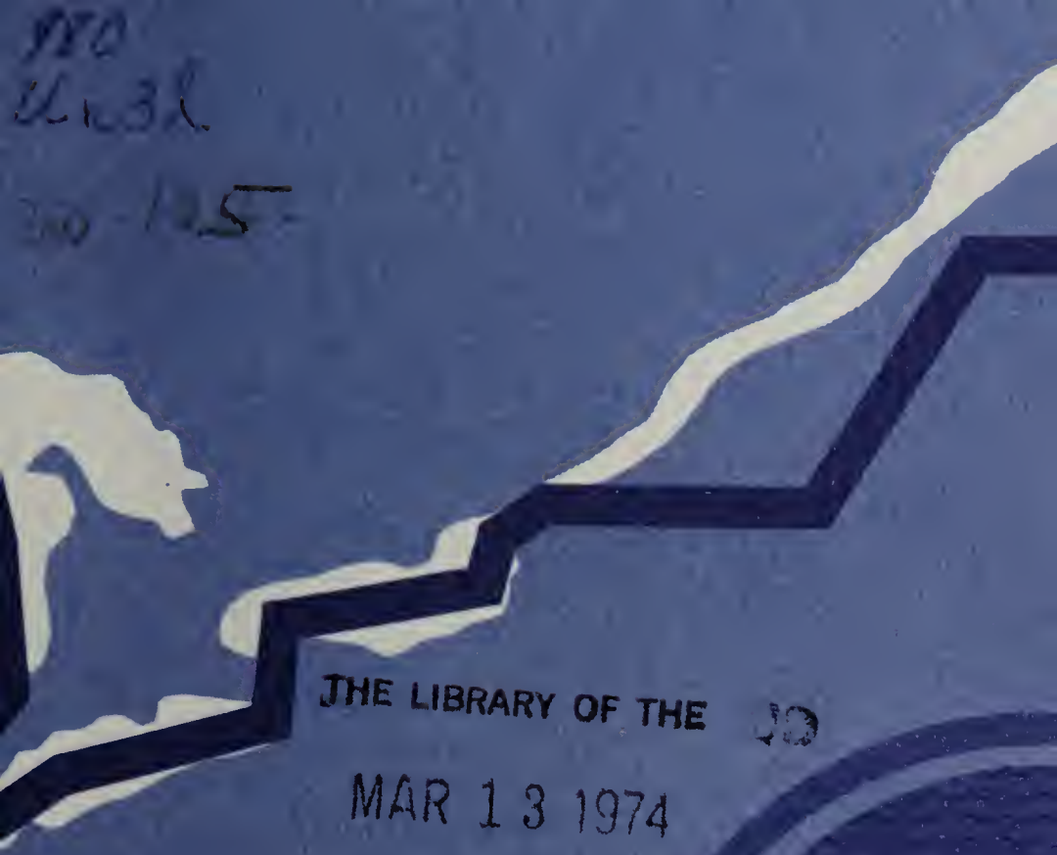
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UNITED STATES
CANADA

IJC

INTERNATIONAL
JOINT
COMMISSION

IJC

is a uniquely successful experiment in international cooperation launched in 1909 as a result of the U.S.-Canadian Boundary Waters Treaty.

is the main institution through which the two countries cooperate in resolving problems along their common frontier—the level of lakes and rivers which form or cross the boundary, power generation, air and water pollution, and other problems of mutual concern.

is a permanent bilateral body composed of an equal number of nationals who, irrespective of nationality, serve as a unitary body seeking common solutions to common problems of common interest.

"I do not anticipate that the time will ever come when this Commission will not be needed. I think as the two countries along this tremendous boundary line become more and more thickly settled, the need for it will increase. I do not think we shall ever see the time when this Commission will not be needed to dispose of controversies along the boundary line in their inception, furnishing a machinery ready at hand for people to get relief and redress without going into the long process of diplomatic correspondence . . ."

—Elihu Root, who signed the 1909 Boundary Waters Treaty as U.S. Secretary of State, speaking in the Senate February 27, 1973.

"I am convinced that it (the Commission) contains the new world answer to old world queries as to the most effective methods of adjusting international differences and avoiding wars to which they give rise. In some respects it constitutes the most important contribution which has thus far been made to the practical solution of international differences."

—W. L. Mackenzie King
Prime Minister
1923





HOW IT BEGAN

More than 60 years ago, the United States and Canada, sharing the world's longest unprotected international boundary (5,500 miles), recognized the need to devise special machinery for direct and impartial consideration of problems arising along the boundary.

At the turn of the century Canada had not acquired full control of her external relations, and efforts to resolve boundary questions were often delayed by the need for Ottawa and Washington to refer such questions to the British Government. These delays gave rise to unnecessary suspicions. Even minor disputes became exaggerated.

The solution was incorporated in the Boundary Waters Treaty of 1909, the first treaty negotiated by Canadians for Canadians. It was signed on January 11, 1909, by the United States and by Great Britain acting on behalf of Canada. The treaty's purposes, as set forth in the preamble, are:

> —to prevent disputes regarding the use of boundary waters;
>
> —to make provision for the adjustment and settlement of all questions along the common frontier involving the rights, obligations, or interests of either nation in relation to the other or the inhabitants of the other;
>
> —to establish principles or rules which would be followed in the adjustment and settlement of such questions.

To implement these objectives, the treaty established a permanent binational body, the International Joint Commission (IJC).

By 1912, amid predictions that the IJC experiment would be "shortlived," the Commission had its full complement of appointees and went to work. Since then it has established a record for impartiality and an enviable record of action in the common interest.

HOW IT OPERATES

Three of the six Commissioners of the IJC are appointed by the President of the United States and three by the Governor in Council in Canada. The six act as a single body, rather than as national delegations under instructions by their respective governments. Decisions are made by simple majority after due and joint consideration by all of the Commissioners, not unlike a court of law composed of several judges. The Commission has two headquarters offices—Washington and Ottawa—and has recently established a regional office in Windsor, Ontario, which has special functions related to the Great Lakes Water Quality Agreement of April 15, 1972.

The Commission has several roles under the 1909 treaty:

Quasi-judicial: when an application is submitted requesting approval of dams or other works that affect natural levels and flows of boundary waters or that raise levels in the other country in waters that flow across the boundary. Applications may be submitted by either government, by public agencies, private corporations, or individuals in either country. The Commission's Order of Approval specifies conditions with which the applicant must comply in the construction and operation of the approved works.

Investigative: when a question involving the rights or interests of either country along the common frontier is referred to the Commission by one or both governments for examination and report with recommendations as to actions necessary for its resolution.

Surveillance and Coordination: to monitor compliance with the Orders of Approval it has issued or, at the request of the two governments, to monitor and coordinate actions or programs that result from governmental acceptance of specific recommendations made by the Commission.

The Commission maintains small staffs of advisors and secretaries in both headquarters offices. A joint regional office was established on the Detroit River in Windsor, Ontario, in May 1973, specifically to deal with Great Lakes water pollution problems.

WHAT IT HAS DONE

The Commission has dealt with a great variety of problems. For example:

Approval of hydroelectric and other water use developments along the river systems shared by both countries, which affect their levels and flows.

Comprehensive investigations of boundary water and air pollution along the boundary.

The Commission's approval of applications for power development on the St. Lawrence River resulted in a significant new source of electricity for the major metropolitan and industrial areas of the lower Great Lakes and St. Lawrence River Basin, and in the regulation of the levels and outflows of Lake Ontario.

In 1950 the Commission established international water quality objectives for the connecting channels of the Great Lakes. These were the first common international environmental objectives agreed to by the two governments and the forerunners of water quality standards for waste-receiving streams and lakes established subsequently by federal, state, and provincial governments, on both sides of the boundary.

In 1959, after an intensive investigation of the potential beneficial uses of the Columbia River, the IJC recommended "principles" for determination and apportionment of downstream benefits of Canadian water storage which led to the Columbia River Treaty, signed in January 1961.

In recent years many IJC actions have pertained to the Great Lakes Basin, a richly endowed resource shared by Canada and the United States, and now a major international waterway.



In 1965 the Commission began an investigation of the desirability and feasibility of further controlling the water levels of the Great Lakes, probably the most extensive hydrological survey ever undertaken. The study is nearing completion.

At the same time the Commission began a major study of the pollution of Lake Erie, Lake Ontario, and the international section of the St. Lawrence River. In 1970 the Commission submitted a report to the two governments, identifying water quality objectives and recommending programs to achieve them. This report led to the United States-Canadian Great Lakes Water Quality Agreement to "clean up" the Great Lakes. The agreement was signed on April 15, 1972, by President Nixon and Prime Minister Trudeau.

Altogether the IJC has dealt with mine references relating to transboundary water pollution, seven of which have been received in the post-World War II period.

Transboundary air pollution has also occupied some of the attention of the Commission over many years. A landmark case in international law regarding the flow of polluted air from one country to another, the "Trail Smelter Case" involved first an investigation and recommendations by the IJC, and finally settlement by arbitration. In 1972 the Commission completed an investigation of the international air pollution in the Detroit-Windsor and Sarnia-Port Huron areas and made recommendations to the United States and Canada for remedial measures and ambient air quality standards.

Early in 1971 the IJC was asked to determine the environmental and ecological consequences in Canada of raising the level of Ross Lake on the Skagit River to provide more power for the Seattle area. The findings were transmitted to both governments within 8 months.



WHAT IT IS DOING

Currently there are several major problems confronting the Commission:

Prolonged high precipitation in recent years has raised the levels of all of the Great Lakes to record or near-record heights causing significant damage to property and endangering the health and property of many thousands of people on the shores in both countries. In these extreme circumstances the Commission and its Boards have intensified their surveillance of levels and flows over which they have jurisdiction, to permit prompt flow variations as necessary and to alleviate adverse effects as much as possible.

The Great Lakes Water Quality Agreement of 1972 represents a new initiative in environmental pollution control on an international basis. The IJC has been given the important responsibility of coordinating programs prescribed by the agreement, assessing progress and effectiveness of the abatement efforts of the United States and Canada, reporting to governments and the public, and recommending any further measures required to meet the water quality objectives.

Point Roberts, Washington, is a 5-mile-square piece of U.S. territory adjacent to the boundary but isolated from the rest of the United States by Puget Sound. The problems of its people, created by their isolation, have been referred to the IJC for study and recommendations.

Continuing pollution surveillance programs in the St. Croix River (Maine-New Brunswick), the Rainy River (Minnesota-Ontario), the Red River of the North (North Dakota-Minnesota-Manitoba), air pollution along the common border, preservation of the scenic values of Niagara Falls, the effects of land-use activities on Great Lakes water quality, and a new study of the desirability and means of regulating Lake Champlain and its outlet stream, the Richelieu River in the Province of Quebec, are additional problems currently occupying the attention of the International Joint Commission.

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